

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AKEEM HUTCHINSON,)	
Plaintiff,)	
)	C.A. No. 19-3 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Magistrate Judge Maureen P. Kelly
MR. OVERMYER, et al.,)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff Akeem Hutchinson, a former prisoner at the State Correctional Institution at Forest in Marienville, Pennsylvania (“SCI-Forest”)¹ initiated this *pro se* civil rights action on January 2, 2019, by filing a complaint against the following staff members at SCI-Forest: Superintendent Overmyer (“Overmyer”), Deputy Superintendent D. F. Oberlander (“Oberlander”), and Psychiatrist Ms. Sheesley (“Sheesley”). This matter was referred to United States Magistrate Judge Maureen P. Kelly for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates, and was subsequently reassigned to the undersigned, as presiding judge, with Judge Kelly remaining as the referred magistrate judge for all pretrial matters.

On November 21, 2019, Plaintiff filed a motion to stay civil action [ECF No. 74] in light of his anticipated parole date of March 20, 2020. Plaintiff’s motion was granted by this Court by Order dated December 2, 2020, and this civil action was stayed for a period of six months. The

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Plaintiff was paroled on March 20, 2020, and is last known to reside in Pittsburgh, Pennsylvania.

stay was subsequently lifted by Order of this Court dated July 21, 2020.

After he was paroled on March 20, 2020, Plaintiff failed to file a notice of his new address with the Court. As a result, Magistrate Judge Kelly entered a show cause order on August 7, 2020, requiring Plaintiff to advise the Court of his new address by August 28, 2020, and that his failure to do so may result in the dismissal of this case. After Plaintiff failed to comply with this order, Defendants filed a motion to dismiss for lack of prosecution [ECF No. 101]. Judge Kelly followed up with another show cause order providing Plaintiff a second opportunity to file a notice of his new address by September 24, 2020. Plaintiff still did not comply.

As a result, on October 1, 2020, Judge Kelly issued a Magistrate Judge's Report and Recommendation ("R&R") recommending that Defendants' motion to dismiss for lack of prosecution [ECF No. 101] be granted and that this case be dismissed for Plaintiff's failure to prosecute. [ECF No. 103]. Service of the R&R was made on Plaintiff at his last known address of record (as previously provided by Defendants), via first class United States mail. Objections to the R&R were due from Plaintiff by October 19, 2020; however, Plaintiff has failed to file any objections.

After de novo review of the complaint and documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 29th day of October, 2020;

IT IS HEREBY ORDERED that Defendants' motion to dismiss for lack of prosecution [ECF No. 101] is GRANTED and that this case is DISMISSED for Plaintiff's failure to prosecute. The report and recommendation of Magistrate Judge Kelly issued October 1, 2020 [ECF No. 103],

is adopted as the opinion of the court.

The Clerk is directed to mark this case CLOSED.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Maureen P. Kelly
U.S. Magistrate Judge

all parties of record